



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Fish and Wildlife

- ☒ Preproposal Statement of Inquiry was filed as WSR 03-02-102; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject)

Purpose:
Adopt WAC 232-12-045 Hunting equipment restrictions

Amend WACs 232-12-051 Muzzleloading firearms and 232-12-054 Archery requirements—Archery special use permits.
Other identifying information: none

(b) Statutory authority for adoption: RCW 77.12.047

Statute being implemented: RCW 77.12.047

(c) Summary:

WAC 232-12-045 Hunting equipment restrictions makes it illegal to use night vision equipment and laser sights to hunt deer and elk. The recommended changes to WACs 232-12-051 and 232-12-054 clarifies the seasons that are subject to muzzleloader equipment specifications and makes the minimum arrow weight 300 grains.

Reasons supporting proposal:

Restrictions on equipment technology are designed to constrain incremental improvements in hunting success that may affect season length or timing or other hunting restrictions. In addition, arrow weights above 300 grains are considered more effective in harvesting big game animals. These equipment regulations also address public interest in maintaining hunter ethics and fair chase.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting.....Dave Brittell, Assistant Director	NRB-Olympia	360.902.2504
2. Implementation.... Dave Brittell, Assistant Director	NRB-Olympia	360.902.2504
3. Enforcement..... Bruce Bjork, Assistant Director	NRB-Olympia	360.902.2932

(e) Name of proponent (person or organization): Washington Fish and Wildlife Commission

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

Moses Lake Convention Center
1475 Nelson Road, Moses Lake, Washington 98837

Date: April 11-12, 2003 Time: 8:00 a.m.

Assistance for persons with disabilities:
Contact Susan Yeager by 4/7/03

TDD (360) 902-2207 or (360) 902-2267

NAME (TYPE OR PRINT)

Evan Jacoby

SIGNATURE

TITLE

Rules Coordinator

DATE

3/5/03

Submit written comments to:

Washington Department of Fish and Wildlife
Attn: Dave Brittell
600 Capitol Way North
Olympia, WA 98501-1091
FAX (360) 902-2162 By (date) 3/25/03

DATE OF INTENDED ADOPTION: April 11, 2003

CODE REVISER USE ONLY

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

These rules describe lawful equipment for hunting game. The purpose of the recommended change is to regulate the use of certain types of equipment and clarify the seasons for muzzleloader equipment rules. The anticipated effect is to maintain longer hunting seasons.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

Night vision equipment and laser sights would be illegal for hunting deer and elk. The minimum arrow weight for hunting big game is 300 grains. Muzzleloader equipment regulations would be in effect during all muzzleloader hunting seasons.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

☒ No. Explain why no statement was prepared

These rules regulate recreational hunters and do not directly regulate small business.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain: Not hydraulics rules.

New Section

WAC 232-12-045 Hunting equipment restrictions

It is unlawful to hunt deer and elk with the aid of infrared night vision equipment or with laser sites (not to include range finders) capable of projecting a beam onto the target, while in possession or control of a firearm, bow and arrow, or crossbow.

WAC 232-12-051 Muzzleloading firearms. (1) It is unlawful to carry or possess any firearm during (~~special~~) muzzleloading seasons which does not meet the following specification for a muzzleloader. A muzzleloading firearm is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms. A muzzleloading firearm has a single or double barrel of at least 20 inches, rifled or smooth-bored. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be open, peep or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited. It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(2) A muzzleloading firearm used for deer must fire a single, nonjacketed lead projectile of nominal 40 caliber or larger, except that buckshot size #1 or larger may be used in a smoothbore of 60 caliber or larger.

(3) A muzzleloading firearm used for all other big game must fire a single, nonjacketed lead projectile of nominal 50 caliber or larger, or fire a single, nonjacketed lead projectile of at least 170 grains.

(4) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.

(5) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(6) Only one barrel of a double barrel muzzleloader may be charged with a load at any one time while hunting in a muzzleloading season except in specified firearm restricted areas.

WAC 232-12-054 Archery requirements--Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may, during deer and elk archery seasons, use a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow.

(f) It is unlawful to hunt big game animals with any arrow that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) Archery special use permits. An archery special use permit is available to a person who holds a valid big game combination package which includes deer or elk as a species option and who presents an archery special use permit application signed by a physician stating that the person's

disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt deer or elk.